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Letter dated 28 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Islamic Republic of Iran, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-21311 (E) 250102 260302

Annex

[Original: English]

Letter dated 27 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Upon instruction from my Government, I have the honour to enclose a report from the Islamic Republic of Iran to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you would have the text of the present letter and the enclosed report circulated as a document of the Security Council.

(*Signed*) Mohammad H. **Fadaifard**
Ambassador
Chargé d'affaires a.i.

Enclosure

Report of the Islamic Republic of Iran to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

As a victim of terrorism, the Islamic Republic of Iran regards terrorism as a global menace which requires a global and comprehensive approach to combat. The Islamic Republic of Iran supports taking a broader view of terrorism and developing, on the basis of international law, short, medium and long term strategies for cooperative efforts at national, regional and international levels to fight terrorism and address its root causes.

The United Nations can play a central role in development of a global, non-selective and non-discriminatory strategy to fight international terrorism in all its forms and irrespective of its motivation, perpetrators and victims, on the basis of international law. The Islamic Republic of Iran takes such comprehensive international campaign to fight terrorism and address its root causes very seriously and regards it a national responsibility to help promote such campaign. It is also in this context that the Islamic Republic of Iran attaches great importance to the implementation of the United Nations Security Council Resolutions, particularly resolution 1373 (2001).

The greater challenge before the international community which will affect the degree of success in fighting acts of international terrorism is, in the view of the Islamic Republic of Iran, twofold. First, greater efforts need to be devoted to developing a common definition of terrorism where the inalienable rights of the people under foreign occupation or colonial domination are ensured. The second challenge is addressing the root causes of international terrorism through long term preventive strategies with a multidisciplinary approach. The international community needs to explore the ground on which violence and terrorism could potentially thrive. In this context, issues like social, political and economic disparities, marginalization, injustices and double-standard that permeate our world, both at national and international levels, must be explored as possible situational causes that may ultimately give rise to terrorism. Furthermore, the relation between terrorism and drug trafficking also needs greater international attention.

The Islamic Republic of Iran views Security Council resolution 1373 (2001) as the first step in that direction, and is committed to cooperating with the United Nations and the Counter-Terrorism Committee of the Security Council to combat terrorism.

Executive Measures

1- Following the adoption of the Security Council resolution 1373 (2001) on 28 September 2001, the Islamic Republic of Iran established a Coordinating National Committee (hereinafter CNC) in order to facilitate implementation of the resolution. The CNC which has held 10 meetings until the drafting of this report on 20 December 2001 comprises of the senior representatives of the following ministries and organizations:

Parliament
Ministry of Foreign Affairs
Ministry of Justice
Ministry of Interior (Police and border guard)
Ministry of Economic and Financial Affairs (custom)
Ministry of Intelligence
Ministry of Commerce
Central Bank
Armed Forces

Members of the CNC discussed their respective areas of responsibility and each issued directives to their ministries or organizations on implementation of resolution 1373 (2001). Each has also held briefing sessions for their own personnel on the requirements of resolution 1373 (2001). The difficulty often raised in the CNC meetings was:

a) absence of a clear definition of terrorism
b) scarcity of information and clues

2- Immediately after the tragic terrorist attacks of 11 September and the ensuing military operation against the Taliban, the Islamic Republic of Iran closed its borders with Afghanistan to prevent entry to the Islamic Republic of Iran of individuals suspected of involvement in acts of terrorism. The Armed Forces of the Islamic Republic of Iran reinforced its forces at the 900 kilometer border with Afghanistan with three additional brigades along with logistic and support units in order to identify and arrest individuals suspected of terrorist activities and drug trafficking.

3- The border guards, including the police, armed forces and security personnel at all points of entry to the Islamic Republic of Iran (airports, land and sea points of entry) were reinforced and briefed about their responsibility under resolution 1373 (2001). The list of individuals and groups associated with Al-Qaeda, circulated as Security Council document SC/7166, of 8 October 2001, was distributed to the border guards to help them control the points of entry to the country and the rest of the borders. No individual on that list was identified in the Islamic Republic of Iran.

4- The Islamic Republic of Iran shouldered a heavy burden in terms of both dispatching and maintaining reinforcement personnel to the borders as well as managing, as a neighbor, the humanitarian consequences of military operations in Afghanistan.

5- Reliable information including the list contained in SC/7166 document were transmitted to the Central Bank of the Islamic Republic of Iran to be investigated by the Financial Intelligence Unit to see if any on the list maintains an account in any bank or financial institution in Iran. The Central Bank issued directive to all banks and financial institutions to report any suspicious account or transaction. No such report has been received.

6- Police, security and intelligence agencies have established a Working Group to study the requirements and the potentials for establishing a data bank and other mechanisms for further coordination among them in connection with gathering, compiling and analyzing information about terrorist groups and the best practices in fighting acts of terrorism and of preventing them.

7- It is a long practice of the Islamic Republic of Iran to post Flight Security Guard(s) in all its domestic and international flights to prevent any interference with flight safety.

8- The Armed Forces of the Islamic Republic of Iran has reinforced its forces (one brigade) at the Iran-Turkey border with two additional brigades along with logistic and support units to prevent infiltration into Iran by members of terrorist organizations.

9- The Islamic Republic of Iran has suppressed recruitment by terrorist groups of Iranian Kurdish nationals for terrorist activities. In connection with these operations at the border areas with Turkey, 13 members of the Armed Forces of the Islamic Republic of Iran have been martyred and more than 50 others wounded.

10- The Islamic Republic of Iran and Turkey established the "High Security Commission" in 1988, to systematically coordinate their efforts against and exchange information about terrorism. The "High Security

Commission" has thus far held eight sessions and many others at sub-commission working level. As a result, Iran-Turkey border has been closed to activities of PKK elements and illegal movements.

11- The MKO terrorist group, harbored in Iraq, supported and instigated by the government of Iraq, commits repeated acts of terrorism at our borders, inside and outside of the Islamic Republic of Iran. In the last 8 months alone, the MKO has committed 99 acts of terror inside Iran, resulting in the martyrdom or injury of 21 civilians and police.

12- The Ministry of Foreign Affairs of the Islamic Republic of Iran has repeatedly warned the government of Iraq to cease harboring, training, assisting and instigating the MKO terrorist group to continue their acts of terrorism.

13- Despite repeated demarches to governments in Europe and the North America where members of MKO receive support, collect funds, recruit new members and broadcast their terrorist activities, MKO terrorist organization continues to operate there.

Legal Issues

1- There are a number of distinct laws in place in the Islamic Republic of Iran that criminalize certain acts that cover some forms of terrorism including those relevant to resolution 1373 (2001). These laws cover acts that intend to, or knowingly cause to result in, including but not limited to, murder, bombing or use of explosive or other means to cause destruction and insecurity and/or instill public fear, interference with safety of air navigation including high jacking, interference with safety of oil and other industries as well as of public utilities, and counterfeiting. The short titles of some of these laws are as follows:

- The Islamic Sentencing law of 1991 and 1996
- Extradition of Criminals Act of 1960
- Punishment of Perpetrators of Misdemeanor and Felony Against Other Countries Act of 1971
- Entry and Residency of Foreign Nationals in Iran Act of 1921 and Amendments
- Passport Act of 1972 and Amendments
- Punishment of Trafficking of Unauthorized Individuals at Borders Act of 1988
- Augmenting Punishment for Arm Trafficking and of Armed Traffickers Act of 1969
- Augmenting Counter-Measures Against Acts of Terrorism by US Administration Act of 1989
- Combating Narcotic Drug Act of 1998 and Amendments
- Punishment of Saboteurs in Iran's Oil Industry Act of 1959
- Punishment of Saboteurs in Industries Act of 1959
- Punishment of Saboteurs in Electricity, Water, Gas and Telecommunications Infrastructures Act of 1974
- Punishment of Saboteurs in aircraft safety and sabotage in the equipments and facilities thereto Act of 1970
- Punishment of Offences in the Railway Act of 1932
- Iran's Atomic Energy Organization Act of 1974
- Presidential Election of the Islamic Republic Act of 1985
- Political and Professional Parties, Societies and Associations Act of 1981
- Punishments for Smuggling of Goods and Foreign Currency Acts of 1995

2- The Islamic Republic of Iran is a party to the following International Conventions and Protocol on terrorism:

Convention on offences and Certain Other Acts Committed on Board Aircraft, Tokyo, 14 September 1963

Convention for the Suppression of Unlawful Seizure of Aircraft, The Hague, 16 December 1970

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 23 September 1971

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations, 17 December 1979

Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 24 February 1988

3- Other International Conventions on Terrorism including the Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou on 1 July 1999, are in the process of consideration to be presented to the Parliament of the Islamic Republic of Iran.

4- The existing laws in the Islamic Republic of Iran are considered to be sufficient to facilitate implementation of resolution 1373 (2001). Nevertheless, the Ministry of Justice contemplates an overall study of the relevant laws to explore if new legislation is needed to integrate the existing laws or further facilitate the Judiciary's ability to counter terrorism.

5- A bill is being drafted by the Government of the Islamic Republic of Iran to be presented to the parliament on money laundering.

6- The Ministry of Justice is also studying the possible need for some administrative arrangements to resolve, on a legal basis, the issue raised, in Paragraph 5 of the "Executive Measures" above, about the requirement of Paragraph 1 (c) of Security Council resolution 1373 (2001).

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Letter dated 28 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the former Yugoslav Republic of Macedonia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-21299 (E) 050202 260302

Annex

[Original: English]

Note verbale dated 27 December 2001 from the Permanent Mission of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Macedonia to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to communicate herewith the report of the Republic of Macedonia pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure).

Enclosure

REPORT OF THE REPUBLIC OF MACEDONIA UNDER UN SC RESOLUTION 1373 (2001)

The Republic of Macedonia strongly supports global efforts aimed at combating international terrorism and is committed to full cooperation with the United Nations and other international organizations. In that respect, the Republic of Macedonia is determined to contribute to the global efforts for the implementation of the UN SC Resolution 1373 and all other relevant legal instruments in this sphere.

Expressing its strong condemnation of the attacks of 11 September, the Republic of Macedonia immediately joined the call for establishing a global international counter-terrorist coalition and to that end we have undertaken a number of concrete activities.

The Assembly of the Republic of Macedonia adopted a Declaration No. 07-3079/1 of September 17 2001, by which it strongly condemned the terrorist attacks on New York and Washington on September 11, 2001 and expressed it deepest condolences for the victims of the attacks. Supporting the initiative of the US President Mr. George Bush for the establishment of a global anti-terrorist coalition, and stressing that in this particular moment terrorism is the greatest evil the humanity is faced with, and that the Republic of Macedonia suffered deep and tragic consequences of it, the Assembly of the Republic of Macedonia expressed its readiness for cooperation and involvement of Macedonia in all activities in the fight against terrorism. The Assembly also supported the initiative of the Security Council of the Republic of Macedonia for the creation of the Regional Anti-terrorist Pact and stressed the need that the President and Government of the Republic of Macedonia should undertake all necessary measures and activities aimed at successful realization of this initiative.

At its session held on 25 September 2001 the Government of the Republic of Macedonia, most strongly condemned the terrorist acts and expressed its readiness to join the call by the USA, NATO and the EU, for the creation a global coalition against terrorism under the UN auspices. The Government further declared that it would take concrete measures, in cooperation with relevant international organizations, aimed at preventing and eliminating all forms of terrorism, in accordance with the principles of the UN Charter, international law and relevant international conventions.

As regards the implementation of UNSC resolution 1373 and the fulfilment of the obligations resulting therefrom, the necessary activities are carried out at several levels and involve a number of competent ministries and institutions.

The first step has been to provide a legal framework for all subsequent activities.

The Government, at its session held on 25 September 2001, also concluded that there was a need to amend the relevant legislation and in that context that a special law against terrorism should be prepared. The Law should be compatible with the European and global standards in this sphere and should serve as a tool for efficient implementation of the relevant UN and Council of Europe Conventions and other documents. Subsequently the commission has been set up to draft this piece of legislation. The Government further concluded that Article 17 of the Macedonian Constitution should be amended as a priority, i.e. the aim of which is to provide legal basis for communications monitoring, and that a special law to regulate the terms and procedure for communications surveillance should be drafted.

In order to strengthen the efficiency of fight against terrorism, the Government of the Republic of Macedonia has also concluded that certain provisions of the Penal Code as well as the Criminal Procedure Law should be amended as well.

OPERATIONAL AND TECHNICAL MEASURES

Parallel to the process of improving the legal framework of the Republic of Macedonia, and having in mind the provisions of the UN Security Council 1373 Resolution (2001) and the obligation for the states to undertake various measures and activities to implement these provisions, the process for operational measures and activities to detect the involvement of certain suspects in certain terrorist activities, or their links to some terrorist organizations were undertaken.

a) Prevention of eventual terrorist attacks on the facilities in the Republic of Macedonia

The Ministry of Interior undertakes wide ranged operative-technical measures and activities aimed to prevent actions of domestic and international terrorist organizations in the Republic of Macedonia and wider. These activities have been specially intensified after the terrorist attacks on the USA and primarily directed toward the prevention of eventual terrorist attacks on the facilities in the Republic of Macedonia. To that effect, the following measures were undertaken:

1. Intensified protection of the diplomatic and consular missions, and especially the missions of the USA and EU member states; representative offices of the UN agencies; representative offices of the governmental and non-governmental international institutions originating from the USA and EU countries;

2. Intensified control of facilities from which explosive devices, flammable substances and other technical equipment can be provided, and eventually used for carrying out terrorist attacks;

3. Intensified control on border crossings, airports, and etc.;

4. Intensified control of the border areas towards the FR Yugoslavia, Kosovo, and the Republic of Albania, which are mostly used for illegal crossings after the deteriorated security situation in the Republic of Macedonia and due to insufficient control on the other side of borders.

The Ministry of Defense and the Army of the Republic of Macedonia have regular exchange of information on possible terrorist threats with NATO (KFOR) through a coordination cell. Together with the Ministry of Interior and various representatives of the international community, the Ministry of Defense undertakes activities aimed at preventing the recruitment of members by terrorist organizations and their supplies. In this context, the Army, in cooperation with the Ministry of the Interior, fully secures the border area and acts on any information on the movement of terrorist groups over the border, on trafficking in arms and narcotics and related crimes. The Army is undergoing a process of transformation in accordance with the NATO standards and in that context works on the establishment of a special anti-terrorist unit.

b) Collection of information

For the purposes of exchanging information regarding possible terrorist actions in the country and the Balkans, the Ministry of Interior has intensified its contacts with the respective foreign organizations, institutions and other missions.

In that respect, the Ministry conducts intensified controls of persons, for whom it has confirmed information that they may directly or indirectly participate in the planning, organization or execution of terrorist activities on the territory of Republic of Macedonia or abroad. The Ministry of Interior has undertaken operational measures in regard to the following categories of individuals and organizations:

1. Individuals and members of organizations for whom there are indications to have been directly linked to international terrorist organizations;

2. Individuals and members of organizations for whom there are indications to have provided logistic support on the territory of Macedonia to international Islamic terrorists, especially in the sense of providing safe haven and forging travel documents;

3. Individuals and members of organizations for whom there are indications to have been trained to use sophisticated weapons, explosive materials and other means for conducting terrorist attacks;

4. Individuals and members of organizations for whom there are indications to participate in trafficking in drugs, explosives and explosive materials on the territory of Macedonia;

5. Individuals and members of organizations for whom there are indications to be linked to international illegal trade in weapons and explosives;

6. Citizens of the Republic of Macedonia or persons that originate from Macedonia residing in EU member states and linked to the so-called Kosovo-Albanian Mafia, as well as to other international criminal structures in the organized transnational crime;

7. Certain employees of financial institutions in Macedonia that may provide certain financial services to international terrorists or terrorist organizations;

8. Individuals and members of Islamic extremist organizations and groups in Macedonia promoting domination of the Islamic religion and fight against other religions, linked to certain individuals and organizations abroad;

9. Some citizens of Islamic countries residing in Macedonia and in the wider Balkan area on different bases, and for whom there are indications to be linked to international Islamic terrorist organizations;

10. Individuals for whom there are indications of being involved in organizing illegal transfer of persons through the territory of Macedonia;

11. Individuals or members of organizations that have attended weapons training and training for explosive devices in certain countries;

12. Individuals and members of organizations for whom there are indications to have undertaken preparatory activities or threatened US and EU member states diplomatic missions, different governmental and non-governmental institutions etc.

Operative Paragraphs 1, 2 and 3

In accordance with international documents dealing with the issue of terrorism, the criminal legislation of the Republic of Macedonia sanctions terrorism and terrorism-related acts as criminal offences.

The 1996 Criminal Code of the Republic of Macedonia, amended in 1999, Article 313 lists the criminal offence of terrorism in the group of criminal offences against the state: "A person who, with the intention of endangering the constitutional order or security of the Republic of Macedonia, causes or seriously threatens to cause an explosion, fire, flood, or some other generally dangerous action or act of violence, creating a sense of insecurity or fear among the citizens, shall be punished with a prison term of at least three years."

In addition to these offences, the Macedonian criminal legislation, in the group of criminal offences against the state, incriminates the following actions: murder of representatives of the top state authorities (Article 309); abduction of representatives of the top state bodies (Article 310); violence against representatives of the top state bodies (Article 311); armed rebellion (Article 312); diversion (Article 314); sabotage (Article 315); calling for a

violent change of the constitutional order (Article 318); causing national, racial or religious hatred, discord and intolerance (Article 319); violation of the territorial sovereignty (Article 320); preventing the combat against the enemy (Article 321); service in a hostile army (Article 322).

The Criminal Code stipulates criminal responsibility for association for the purposes of committing the criminal offence of terrorism (Article 313) and terrorism-related offences (Articles 309, 310, 311, 314, 315), and for being a member in such an association. For a person who creates conspiracy, gang, group, or other association of persons for the purposes of committing this kind of criminal offences, the Criminal Code prescribes a sentence to imprisonment of one to ten years. A member of such an association shall be punished with a prison term of six months to five years. On the other hand, the Code provides for the possibility for a more lenient punishment (prison term of three months to three years), that is, acquittal of the perpetrator of these offences who, by disclosing the association, prevents the commitment of these offences. A member of an association who discloses the association before he commits some of the stated crimes is acquitted.

The Criminal Code also foresees criminal responsibility for sheltering and assisting an offender after committing the criminal offences described, as well as for their preparation. Thus, Article 325 determines that a person who hides the perpetrator of one of the above criminal offences, who provides him shelter, food, money or other kind of help, serves him for maintaining contact, undertakes activities directed against his detection or capture, or in some other way provides him assistance, shall be sentenced to imprisonment of one to ten years.

The preparation of these criminal offences in accordance with the Criminal Code of the Republic of Macedonia is sentenced with a prison term of one to ten years.

There were no court judgments in the Republic of Macedonia in 1997 and 1998 on grounds of committed acts of terrorism. In 1999 five persons were sentenced for terrorism. Two of them were sentenced to a prison term of five years, and the other two persons were sentenced to 5 years in prison each. In 2000 only one person was sentenced on terror charges.

Given the severe nature of terrorism and terror related criminal offences, a prison term is prescribed for their commitment (the lowest sentence is 3 years, the highest life imprisonment). For the most severe forms of these criminal offences (causing death of one or several persons and committing these offences during war or immediate military danger), the Criminal Code stipulates the most severe punishments – prison term of at least ten years or life imprisonment.

In the group of crimes against humanity and international law, the Criminal Code stipulates the criminal offence of international terrorism: "A person who with the intention of harming a foreign state or an international organisation, kidnaps a person or commits some other violence, causes an explosion or fire, or with some generally dangerous action or generally dangerous means causes a danger to the life of people and to property of a significant value, shall be sentenced to a prison term of at least three years. If these crimes resulted in the death of one or more persons, or a damage of a large extent was caused, the offender shall be sentenced to imprisonment of at least five years. If, when committing these crimes the offender also commits a first degree murder, he shall be sentenced to imprisonment of at least ten years, or to life imprisonment."

This category of criminal offences includes the following actions: endangering persons under international protection (Article 420) and taking hostages (Article 421), instigation to aggressive war (Article 415).

In addition, the group of criminal offences against freedoms and rights of man and citizen also include: the offence of coercion (Article 139); unlawful deprivation of liberty (Article 140); abduction (Article 141); creating a general danger (Article 288); kidnapping an aircraft or ship (Article 302); endangering air traffic safety (Article 303).

The application of criminal legislation in the Republic of Macedonia for the criminal offence of terrorism and for other criminal offences related to terrorism is provided for with the Criminal Code provisions which stipulate the application of the territorial principle and the principle of the flag (when the offence has been committed on a domestic ship), that is the registration (when the criminal offence has been committed on a domestic aircraft). In addition, the Macedonian criminal legislation is applied to any person who commits the offence abroad and to a foreigner who commits the offence of terrorism outside the Republic of Macedonia, but against it or against its citizen, in case he is found on the territory of the Republic of Macedonia or is extradited.

For reasons of international solidarity in the fight against severe, dangerous criminality where terrorism undisputedly belongs, the Criminal Code has adopted the so-called universal principle, under which the criminal legislation of the Republic of Macedonia is applied to a foreigner who commits abroad a criminal offence against a foreign state or against a foreigner for which under that legislation a prison term of 5 years may be prescribed, and who is found on the territory of the Republic of Macedonia and shall not be extradited to a foreign state.

In respect of extradition, the Constitution of the Republic of Macedonia sets that a citizen of the Republic of Macedonia may not be extradited to another state. A foreigner may not be extradited for a political criminal offence whereby, under the Constitution, the acts of terrorism are not regarded as political criminal offences.

The criminal offence of terrorism and other terror-related offences are ranked among the offences for which extradition is carried out since the agreements on extradition stipulate that extradition is allowed for all criminal offences for which, under the law of both states, a sentence of deprivation of liberty is prescribed.

The Republic of Macedonia, *inter alia*, has concluded several Agreements for legal assistance in criminal matters: with the Republic of Croatia, the Republic of Slovenia, the Republic of Albania and the Republic of Turkey, and under way are negotiations to conclude another 14 bilateral agreements of this kind.

Within the framework of the legal system reforms, the Republic of Macedonia is intensively working on the drafting of amendments to the criminal legislation aimed its harmonisation with international standards. Although the amendments to the criminal code are still in a draft version, it is worth noting that they envisages intensification of the penal policy, having in mind the UN Convention on Transnational Organised Crime, and the conclusions of the EU Council of Ministers – Justice and Home Affairs, Brussels, 6-7.12.2001, in respect of harmonisation of sanctions against perpetrators of terrorist acts. Thus, the amendments foresee to increase the minimum sentence from three to four years for the criminal offence of terrorism (Article 313), and as for the criminal offence of international terrorism (Article 419), minimum sentence should be 5 year imprisonment instead of 3 year sentence, whereas for the more severe forms of this crime the prison term of 5 years should be increased to minimum 8 years.

Pursuant to Article 322 of the Criminal Code, a citizen of the Republic of Macedonia who, during war or during armed conflict, serves in an enemy army or in some other military formation of the enemy, or participates in war or armed conflict as a soldier against the Republic of Macedonia or its allies, shall be punished with imprisonment of at least three years. A person who recruits a citizen of the Republic of Macedonia for service in an enemy army or in some other armed formation of the enemy, or for participation in war or armed conflict against the Republic of Macedonia or its allies, shall be punished with imprisonment of at least five years. The Criminal Code stipulates criminal responsibility for association to commit this crime and acts related to it (prison term of 1 to 10 years), and for being a member in such an association (prison term of 6 months to 5 years). On the other hand, the Code provides for the possibility for a more lenient sentence (prison term of three months to three years), that is acquittal of the perpetrator of these crimes who, by disclosing the association, prevents the commitment of these offences. A member of an association who discloses the association before he commits some of the stated crimes is acquitted.

In the Criminal Code, the Chapter for criminal offences against general safety of people and property, sanctions among others the illicit production and traffic in generally dangerous materials: "A person who without

authorization manufactures, produces, collects or hides ionizing or other materials which could cause a general danger for the life of people and property with a significant value, or enables another to acquire them without authorization or to transfer them improperly, shall be punished with a fine, or with imprisonment of up to one year." The same punishment applies to a person who, contrary to the regulations for trade in explosives or in flammable materials, hands over such materials for transportation in public means of transportation, or carries them himself, using public means of transportation (Article 295). The causing of general danger (Article 288) and the destruction or damage to public installations (Article 291) are incriminated in the same group of criminal offences.

In a separate chapter titled "Crimes against public order", Article 395 sanctions the manufacture and acquisition of weapons and devices intended for committing a crime: "A person who manufactures, procures or enables another to obtain weapons, explosive materials, or devices required to manufacture them, as well as poisons which he knew were intended for committing a crime, shall be punished with imprisonment of three months to five years. A person who makes or gives to another a false key or some other means for breaking in, even though he knew that it was intended for committing a crime, shall be punished with imprisonment of three months to three years." The Code at the same time prescribes confiscation of the objects and the means for their manufacture and distribution. The same group of criminal offences incriminates the unlawful keeping of weapons or explosive materials, whereby a fine or imprisonment of up to three years is prescribed for the person who without authorization manufactures, sells, procures or does an exchange with firearms, ammunition or explosive materials, or the person who without authorization keeps firearms, ammunition or explosive materials, which are forbidden for the citizens. If the object of the crime is a larger quantity of firearms, ammunition or explosive materials, a prison term of one to ten years is stipulated for the offender. Confiscation of the objects of this criminal offence and the means for their manufacture, transfer and distribution is prescribed.

The Macedonian legislation also prescribes the conditions under which the right to an asylum, that is the status of a refugee, is recognised. Thus, it is set down that activities against the constitutional order of the Republic of Macedonia, that is, the commitment of a crime against humanity and international law and actions against the UN objectives and principles are ground for taking away the right to an asylum, that is the status of a refugee. In line with that, the commitment of the criminal offence of terrorism is a ground to take away the right to an asylum, that is the status of a refugee.

Under Article 34 of the Law on Movement and Stay of Foreigners, a foreigner may be expelled from the territory of the Republic of Macedonia if he was rendered the security measure of expulsion from the country for a committed criminal offence. This measure is one of the corps of security measures in Macedonian criminal legislation, aiming at removing the situations and conditions that may influence the perpetrators to commit crimes in the future. This measure is pronounced by the Court with the judgement finding the defendant guilty, and which relates to the specific person, whereby any possibility for collective expulsion of foreigners is ruled out.

Under Article 69 of the Criminal Code, the court may sentence a foreigner to expulsion from the country from one to ten years or indefinitely. In the evaluation whether to pronounce the measure, the court shall take into consideration the motives for committing the crime, the manner in which the crime was committed, and other circumstances which point out to the undesirability of further stay of the foreigner in the country. The duration of the expulsion is counted from the day the sentence comes into effect, whereas the time in prison is not included in the duration of this measure.

The foreigner has the right to lodge an appeal against the decision of the court rendering the security measure of expulsion from the country before the higher court on all grounds on which a first instance decision may be contested, pursuant to the provisions in the Criminal Procedure Code.

Under Article 261 of the Law on the Execution of Sanctions, the Ministry of Interior enforces the security measure of expulsion of a foreigner in accordance with the provisions of the Law on Movement and Residence of Foreigners. The Ministry of Interior makes a decision on the time until when the foreigner must leave the state. The foreigner has the right to lodge an appeal against this decision before the second-instance Government

Commission on resolution of administrative matters, what on the other hand does not delay the execution of the decision. The decision is recorded in the travel documents and, in case the foreigner requests, a separate decision is issued.

If the foreigner does not leave the territory of Macedonia within the time limit determined, the authorised official of the Ministry of Interior shall escort him to the state border or to the diplomatic/consular representation office the state which national he is, or he shall be taken to the state border and handed over to representatives of the foreign state.

There shall be no forceful expulsion of a foreigner from the Republic of Macedonia to a state in which his life would be endangered owing to racial, religious or national affiliation, political beliefs, or if there is a danger that the foreigner will be exposed to mistreatment or inhuman treatment (Article 39 of the Law on the Movement and Residence of Foreigners).

The Macedonian criminal legislation also incriminates "money laundering and other unlawful property gains". Thus, in Article 273 of the Criminal Code it is stipulated that a person who through banking, financial or other economic operation, releases in circulation, accepts, takes over, exchanges or breaks into small change money for which he knows was acquired through traffic in narcotic drugs, traffic in arms or through other punishable actions, or in some other manner covers up that they originate from such sources, shall be punished with imprisonment of one to ten years. The same sanction shall also apply for a person who releases in trade or in some other form of circulation, property, objects of value or other goods for which he knows that they have been acquired through traffic in narcotics, traffic in arms or through some other punishable actions, or in some other manner covers up that they originate from such sources. The perpetrators of these crimes who were obliged to know and who could have known that the money and other goods were acquired through a punishable action shall be punished with a fine, or with imprisonment of up to three years. The Criminal Code also provides for a criminal responsibility for association with the purpose of committing these crimes, and for being a member of such an association, the sentence being imprisonment of at least five years. The money and other direct and indirect property gains shall be confiscated, and if confiscation is not possible because they were transferred abroad, other property of the offender that corresponds to their value shall be confiscated.

In this line, the same group of criminal offences against public finances, payment operations and economy, includes the criminal offences of counterfeiting money, forging securities, making procurement or selling counterfeiting assets, etc. In the function of strengthening preventive measures, amendments are planned to be made in the Money Laundering Law, the Law on the National Bank of the Republic of Macedonia and the Law on Banks and Savings Banks, which are within the competence of the Ministry of Finance of the Republic of Macedonia.

The preparation and the enactment of the Law on Money Laundering Prevention (Official Gazette of the Republic of Macedonia No. 70/2001, to come into effect on 1 March 2002) is one of the key legal projects in the Republic of Macedonia, the objective of which is to increase the financial discipline, to reduce non-registered transactions and to reduce grey economy. The Law is based on the European Union Directives for preventing the use of the financial system for the purposes of money laundering (EEC 91/308).

The Law on Money Laundering Prevention determines the entities, defines the measures and the activities for money laundering prevention and defines the procedures in which the control is carried out and these measures are applied. Natural and legal persons, as well as officials that carry out activities connected with investments, crediting, replacement and transfer of money as well as other money transactions are obliged to undertake activities for money laundering prevention.

The measures and activities undertaken in order to detect money laundering refer to the following: identification of clients when the cash transactions exceed amount of Euro 10,000 in denar equivalent or in case of connected transactions (recurring transactions) that jointly exceed the amount of Euro 10,000; monitoring of

certain transactions that take place in unusual circumstances and for which there is a suspicion with regard to their economic and legal justification; collection, management and delivery of data about the transactions etc.

In order to detect and prevent money laundering, a Directorate for Money Laundering is established within the Ministry of Finance, as a body which in cooperation with the Ministry of Interior, the Central Bank, the Public Prosecutor, Customs Administration and the other state bodies, as well as the international institutions, will undertake measures for detection and prevention of money laundering and will accept, analyze and process the data and the reports with regard to the undertaken activities.

In accordance with the international practice and standards, the Law on Money Laundering Prevention anticipates the obligation for legal persons that carry out financial activities (collections of deposits, approval of credits, foreign exchange operations, issuance of payment cards, economic and financial consulting, financial leasing, factoring or other operations connected with insurance or re-insurance of securities, maintenance and management of securities or precious metals etc.) to prepare programs for protection against money laundering.

In the year 2002, a Project for regional fight against financial crime is envisaged. The Republic of Macedonia, being a member of SECI (South Eastern Europe Cooperation Initiative) Regional Center for combating cross-border crime, is a coordinator of the new initiative/project for suppressing financial and computer crime. This project is due to start functioning as of 31 January 2002. One of the operative tasks is regional cooperation in suppressing financing of terrorism. The project consists of several activities: preparation of legal framework compatible to EU regulation referring to financial and computer crime, as well as stipulating crime acts from the financial and computer sphere, by indicating current position and determining priorities that should be necessary regulated from the financial investigation point of view.

In February, 2002, changes and amendments of the Banking Law are envisaged, by which origin of the money will be requested when acquiring banking shares with own levied assets.

The Ministry of Finance on a regular basis submits lists of natural persons and legal entities connected with terrorist acts to the National Bank and all banks in the country.

The Republic of Macedonia is a state party to the following UN Conventions against international terrorism: Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; International Convention against the Taking of Hostages; Convention on Offences and Certain Other Acts Committed on Board Aircraft; Convention for the Suppression of Unlawful Seizure of Aircraft; Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; Convention on the Physical Protection of Nuclear Material; Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; Convention on the Marking of Plastic Explosives for the Purpose of Detection.

The Republic of Macedonia is a signatory to the International Convention for the Suppression of Terrorist Bombings and International Convention for the Suppression of the Financing of Terrorism. For the latter, the law for ratification is in the governmental procedure. The Republic of Macedonia is not a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

As regards the Council of Europe Conventions identified as crucial in the fight against international terrorism, the Republic of Macedonia has ratified the following instruments: the European Convention on Extradition and its two Additional Protocols, the European Convention on Mutual Assistance in Criminal Matters and its First Additional Protocol, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

After the 11 September attacks, the Republic of Macedonia has signed the European Convention on the Suppression of Terrorism, European Convention on the Transfer of Proceedings in Criminal Matters, the Second Additional Protocol to the Convention on Mutual Assistance in Criminal Matters and a new Convention on Cybercrime.

In the framework of the Council of Europe, the Republic of Macedonia fully supports the establishment of a Multidisciplinary Group on terrorism to deal with criminal, civil and administrative matters and the work being done by the "Reflection Group on developments in international cooperation in criminal matters".

The OSCE Decision and Action Plan on Combating Terrorism adopted during the IX Ministerial Council of OSCE has being distributed to the relevant ministries and states bodies for implementation.